

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q83535

Andrew Lennard LEWIS, et al.

Appln. No.: 10/506,814

Group Art Unit: 1616

Confirmation No.: 6809

Examiner: Blessing M. FUBARA

Filed: January 19, 2005

For: COMPOSITION OF POLYMERS

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction and Election of Species Requirement, dated October 7, 2008, time for responding extended to December 8, 2008, by a Petition for One Month Extension of Time being filed concurrently herewith, Applicants elect a composition according to Claim 1 and note that Claims 2-22 and 28-35 are also directed to a composition. As such, Claims 1-22 and 28-35 should be examined together. The election is made with traverse of the restriction requirement. The present claims have as an essential combination of features that a block copolymer comprising at least one zwitterionic block and at least one ionic block, is associated with a biologically active compound which is electrostatically oppositely charged to the ionic groups of the polymer. None of the prior art mentioned by the Examiner discloses each of these features in combination. Storch does not concern block copolymers. Bronich does not disclose

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block copolymers having zwitterionic blocks. Kabanov similarly, does not disclose block copolymers having zwitterionic blocks.

With regard to the election of species, Applicants respond as follows. The zwitterionic monomer elected is the so-called MPC monomer used in the examples. In this compound, Y is $\text{H}_2\text{C}=\text{C}(\text{CH}_3)\text{-CO-O}$, B is CH_2CH_2 and X is a group of general formula III, in which m is 2 and each of the groups R^5 is CH_3 . With regard to the preferred ionic monomer, Applicants elect the monomer used in Example 2, 2-dimethylaminoethylmethacrylate. This is a compound within the scope of generic formula III, in which Y^1 is $\text{H}_2\text{C}=\text{C}(\text{CH}_3)\text{-CO-O}$; B^1 is CH_2CH_2 , and Q is NR^{17}_p , in which p is 2 and each of the groups R^{17} is CH_3 . With regard to the biologically active compound, Applicants elect a nucleic acid.

Claims 1-22 and 28-35 read on the elected species.

Applicant reserves the right to file a Divisional Application directed to non-elected claims.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: December 8, 2008